

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

PEGGIE S. COGDILL,  
Plaintiff,

v.  
COMMISSIONER OF SOCIAL  
SECURITY,  
Defendant.

Case No. 06-12865  
Honorable Patrick J. Duggan

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**OPINION AND ORDER**

At a session of said Court, held in the U.S.  
District Courthouse, Eastern District  
of Michigan, on January 12, 2007.

PRESENT: THE HONORABLE PATRICK J. DUGGAN  
U.S. DISTRICT COURT JUDGE

On June 28, 2006, Plaintiff filed this lawsuit challenging a final decision of the Commissioner regarding Plaintiff's application for Social Security Disability Insurance Benefits and Supplemental Social Security Income. On October 24, 2006, Plaintiff filed a motion for summary judgment. On November 27, 2006, Defendant filed a motion for summary judgment. This Court referred both motions to Magistrate Judge Virginia M. Morgan.

On December 15, 2006, Magistrate Judge Morgan filed her Report and Recommendation (R&R) recommending that this Court grant in part and deny in part both motions and remand the matter to the Commissioner for further proceedings consistent with the R&R. At the conclusion of the R&R, Magistrate Judge Morgan

advises the parties that they may object and seek review of the R&R within ten days of service upon them. She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right of appeal.” R&R at 21 (*citing Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Sec’y of Health and Human Servs.*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); and *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981)).

Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Morgan. Accordingly,

**IT IS ORDERED**, that Plaintiff’s motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**;

**IT IS FURTHER ORDERED**, that Defendant’s motion for summary judgment is **GRANTED IN PART AND DENIED IN PART**;

**IT IS FURTHER ORDERED**, that this matter is **REMANDED** to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with Magistrate Judge Morgan’s R&R.

s/PATRICK J. DUGGAN  
UNITED STATES DISTRICT JUDGE

Copies to:  
Thomas J. Bertino, Esq.  
AUSA Janet Parker  
Magistrate Judge Virginia M. Morgan